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WRITER'S E-MAIL:

March 10, 2006

VIA FIRST CLASS MAIL

Martin Castles, Clerk
U.S. District Court
595 Main Street, Room 502
Worcester, MA 01608

Re: Louis P. Alberghini v. Simonds Industries, Inc.
Federal District Court, Civil Action No. 04CV11024

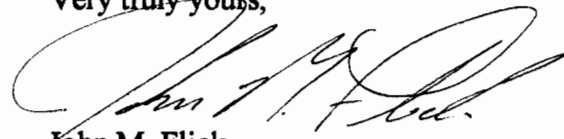
Dear Mr. Castles:

Counsel met after yesterday's hearing to discuss the pages missing from electronic filing of Plaintiff's appendices. We determined what happened. The Plaintiff's appendices were mailed to the Court from Attorney Elliott in Florida and not electronically filed. Several of the deposition pages included in the hard copy were printed on both sides. The reverse side of the documents were not scanned into the electronic docket. For that reason, the appendices printed from the electronic docket were incomplete.

I have enclosed copies of the pages missing from the electronic docket. Please verify that Judge Saylor's copy includes these pages in the respective appendices. Copies of these pages were given to Attorney Siegel at the hearing.

Thank you for your attention to these matters. Please call me if you have any questions.

Very truly yours,



John M. Flick

Cc: Jonathan Sigel

EXHIBIT 10-18

ADDENDUM

TO

APPENDIX 9

Volume I

Pages 1 - 160

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

LOUIS P. ALBERGHINI,)
Complainant)
VS.)
SIMONDS INDUSTRIES, INC.,)
Respondent)

COPY

DEPOSITION OF LOUIS P. ALBERGHINI, taken at the
request of the Respondent, pursuant to the applicable
provisions of the Massachusetts Rules of Civil
Procedure, before Karen G. Farragher, RPR and Notary
Public in and for the Commonwealth of Massachusetts,
on October 23, 2002, commencing at 10:16 a.m., at the
offices of Bowditch & Dewey, 311 Main Street,
Worcester, Massachusetts.

FOR THE RECORD
COURT REPORTING SERVICES
11 FISKE STREET
SHREWSBURY, MASSACHUSETTS 01545
(508) 845-1096

1 Q. Was there a reduction in force in May of
2 2001?

3 A. Yes.

4 Q. Was there a reorganization in May of 2001?

5 A. I don't know.

6 Q. You received Lean Manufacturing training;
7 didn't you?

8 A. Uh-huh.

9 Q. You have to answer verbally.

10 A. Yes.

11 Q. If you look at the next page, top of the
12 next page, where it says: Simonds also sent
13 Mr. Dexter for further training in Lean Manufacturing?

14 A. Yes.

15 Q. So it's your testimony that you received
16 Lean Manufacturing training but you didn't receive
17 further Lean Manufacturing training?

18 A. Correct.

19 Q. Do you know if at any time prior to that
20 Mr. Dexter had received any Lean Manufacturing
21 training?

22 A. He received the same as I did, I believe.

23 Q. At the same time?

24 A. Uh-huh.

ADDENDUM
TO
APPENDIX 15

Volume I
Pages: 1-65
Exhibits: None

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

LOUIS P. ALBERGHINI,

Complainant

vs.

No. 01SEM10657

SIMONDS INDUSTRIES, INC.,

Respondent

* * * * *

DEPOSITION of PETER DUPERRY called as a witness by the Complainant, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Susan E. Lepore, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, taken at the Elliott Law Office, 307 Central Street, Gardner, Massachusetts, on Friday, January 3, 2003, commencing at 2:15 p.m.

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1 Basic now, in order to create them.

2 Q. And did you ever use the MS Visual
3 Basic so far during your employment at Simonds
4 Industries?

5 A. Several times. When we moved Line 13
6 in, three or four of the machines out there are
7 programmed using Microsoft Visual Basic tied
8 into the PLC units, Programmable Logic Circuits,
9 as well as the welders that Steve Niemi built on
10 the carbide line, those are all controlled with
11 Visual Basics.

12 Q. Have you used CNC programming during
13 your employment at Simonds Industries?

14 A. Very frequently. I use it for both
15 the wire EDM and the Normac, as well as the IBM
16 machine. I'd say 30 percent of my time at
17 Simonds is spent programming CNC.

18 Q. Is the CNC programming, is that
19 something that is generic to mechanical
20 engineering, or is it used in other types of
21 engineering as well?

22 A. As far as I know, it's only the
23 mechanical engineering.

24 Q. Do you need to be a mechanical

1 engineer in order to do that?

2 A. No, you don't.

3 Q. Have you had the experience of -- or
4 if you're aware of, or know of, other engineers
5 who are also capable of doing CNC programming at
6 Simonds Industries, besides yourself?

7 A. Jeremy Dexter does use it.

8 Q. Anybody else?

9 A. I believe Rick Brault knows a little,
10 to some degree, but he doesn't use it very
11 often. Usually he calls on Jeremy or I to fill
12 in the gaps, where he can't figure it out.

13 Q. You mentioned Steve Niemi. Do you
14 know him?

15 A. I've met him a few times, yes.

16 Q. Okay. Have you met him since you've
17 been employed at Simonds Industries?

18 A. Yes.

19 Q. Okay. Was he employed there when you
20 first became employed?

21 A. No, he wasn't.

22 Q. He wasn't, okay. But you say you met
23 him at Simonds Industries?

24 A. Well, I've -- he works for Tri-cycle

1 A. Well, I have attended some Lean
2 Manufacturing Kaizen events.

3 Q. Okay. And where was that at?

4 A. That was inside.

5 Q. Inside. And when did that occur?

6 A. That was a few weeks after I was
7 hired.

8 Q. Besides the Lean Manufacturing events
9 that you mentioned, did you go to any other
10 training courses, in or outside the company,
11 relative to your position?

12 A. Not that I recall, no.

13 Q. Have you had any disciplinary action
14 of any type, while you were employed at Simonds?

15 A. No.

16 Q. I'm going to make some references to
17 your performance review, and if you could just,
18 first of all, I guess it's not -- it's unsigned,
19 so I just want you to verify that this is the
20 performance review. Some of it is unsigned, so
21 I'd like you to take a look at it and make sure
22 that it is the performance review that you were
23 given. The first page says "Manager
24 Assessment." Could you just look that over and

1 A. I recall doing one the first week I
2 was there. I designed a -- an arm to put on the
3 Si-Namic machine. They were having problems
4 while running the Si-Namic machine, with the
5 blade falling off during operation. It was
6 causing, I believe, like a 50-percent scrap
7 rate.

8 I worked with the operator to
9 determine why the band was falling off, and
10 figured out that if I mounted an arm with
11 adjustable height and depth, that I could hold
12 the band in place better. So I designed that
13 and had it built and mounted.

14 Q. Okay. And other than that project,
15 did you work on any other projects not listed?

16 A. Yeah, but I don't remember them off
17 the top of my head. There were several things
18 that I did at the same time.

19 Q. And this Si-Namic machine that you
20 mentioned, did that have anything to do with the
21 carbide line, or was that something else?

22 A. That was, I believe, the carbide as
23 well as weld edge.

24 Q. Okay. To your understanding, were

1 you assigned to any one specific product line
2 during your employment?

3 A. I was assigned specifically to
4 carbide when I began, and then I also took on
5 Steel Rule, when that was moved to Fitchburg.
6 But our duties often overlap. I help Jeremy
7 when he needs it and Rick when he needs it.
8 Those lines are kind of blurred, frequently.

9 Q. Okay. Is the "Created work
10 instructions for surface finish gauging in the
11 carbide area," is that anything different from
12 what you'd said in your own accomplishments?
13 Your supervisor mentions that, on the first
14 page.

15 A. That's the Profilometer I had spoken
16 of.

17 Q. Okay. So it's the same thing we
18 talked about?

19 A. Yes.

20 Q. Okay. And the prototype for triple-
21 chip products that your supervisor mentions on
22 the first page, is that the same thing that you
23 described in your accomplishments, in your own
24 Self-assessment?

1 A. No.

2 Q. What percentage, or part of the
3 machines, have electrical components to them?

4 A. 100 percent.

5 Q. Okay. If something goes wrong with
6 the electrical parts who is responsible, during
7 your employment, that you know of, for handling
8 the problems with the electrical components of
9 these machines?

10 A. Either our electrician, or an outside
11 vendor.

12 Q. And on how many occasions have you
13 had an outside vendor in for that? If you know.

14 A. Very few. Probably two to three.

15 Q. Are you familiar with ISO 9,000?

16 A. Yes.

17 Q. Okay. And what do you know about it?

18 A. I've been trained as an internal
19 auditor.

20 Q. And who trained you to do that?

21 A. I went -- actually, I forgot about
22 that training, when you asked me before. I
23 attended courses at -- or, a course a few months
24 ago, I don't even remember when it was, in order

1 A. No, I did not.

2 Q. Okay. Did you have discussions with
3 anybody else, relative to your testimony today?

4 A. No.

5 Q. Have you discussed with anyone Mr.
6 Alberghini, anyone at Simonds Industries?

7 A. I've heard his name a few times, but
8 I never really -- if memory serves me correct,
9 Ernie said that he used to walk with them at
10 lunchtime. That's as much as I ever heard about
11 him.

12 Q. Okay. I'm going to show you what,
13 apparently, is a job description for a products
14 engineer at Simonds Industries. Could you just
15 take a minute and look at that?

16 (Witness perusing document.)

17 Q. Have you seen that job description
18 before?

19 A. Yes, I saw this yesterday.

20 Q. Okay. Is yesterday the first time
21 you saw this job description?

22 A. Yes.

23 Q. Did your supervisor, Mr. Brault, ever
24 give you a copy of this job description?

1 A. No, he did not.

2 Q. Okay. How did you get your
3 instructions about what your job duties and
4 responsibilities were?

5 A. Rick gave me a job to do, and I did
6 it.

7 Q. Okay. So did he relate that to you
8 verbally or --

9 A. Yes.

10 Q. Well, perhaps he gave you an
11 assignment in writing or something?

12 A. Usually verbally.

13 Q. Usually verbally, okay. So you
14 haven't used this particularly, in knowing what
15 your job duties are?

16 A. No, I have not.

17 Q. I'd like to take a minute and go over
18 these responsibilities, so if you want to take a
19 minute and look at the document, go ahead.

20 (Witness perusing document.)

21 A. This is pretty outdated. A lot of
22 those responsibilities follow under the quality
23 manager now.

24 Q. Okay. So let's go through the

1 we just went over, and you can look at them if
2 you like, which would be the working closely,
3 the advising, the working closely and the
4 documenting, those duties and responsibilities,
5 do they require mechanical engineering skills?

6 (Witness perusing document.)

7 A. I would say no.

8 Q. Okay. The next --

9 A. Except for --

10 Q. I'm sorry?

11 A. With the exception of the
12 troubleshooting, on the one that regards
13 troubleshooting, because I have designed new
14 machinery and modified the existing machinery in
15 order to prevent further scrap.

16 Q. And designing things is a mechanical
17 engineer function; correct?

18 A. Yes.

19 Q. Okay. "Approve cost reduction
20 suggestions for assigned product line." Have
21 you done that?

22 A. "Cost reduction?" Well, yes and no.
23 I don't know exactly what they mean by cost
24 reductions. We've -- except for, you know,

1 A. Yes.

2 Q. You didn't have that when you were
3 hired, right?

4 A. No, I did not.

5 Q. All right. It notes, on page two of
6 this, that the products engineer position does
7 not require one to have a four-year degree; is
8 that right?

9 (Witness perusing document.)

10 MR. SIGEL: Are you asking him what
11 this document says, or whether he knows
12 independently?

13 MS. ELLIOTT: What the document says,
14 for right now.

15 A. That's what the document says, yes.

16 Q. And has anyone told you anything
17 different, relative to what the qualifications
18 are for the product engineer position?

19 A. I've never really discussed what the
20 qualifications are with anyone.

21 Q. Is upgrading blueprints for the
22 carbide line the same project you referred to as
23 the one that you knew that you had obtained
24 from -- that was previously done by Mr.

1 Alberghini? Is that the same thing?

2 A. Yeah. We've changed the format
3 drastically, but it's the same project, yes.

4 Q. How did you find out that there was a
5 job available at Simonds Industries?

6 A. Jeremy called me while I was working
7 for my father.

8 Q. And what did Jeremy tell you?

9 A. He told me that Steve Niemi had quit,
10 and that there was now a position opened that
11 they were looking to fill in the next few
12 months.

13 Q. Is it your understanding that you
14 replaced Steve Niemi?

15 A. Well, they didn't -- I was never told
16 that I replaced anyone specifically, but he told
17 me that the gap left by Steve was -- needed to
18 be replaced.

19 Q. Did Jeremy tell you anything else?

20 A. No.

21 Q. And what did you do from there, after
22 you learned that the position was open?

23 A. I e-mailed Jeremy a -- actually, I
24 e-mailed Ilda Thibodeau a resume, and that was

1 it.

2 Q. Who interviewed you for the position?

3 A. I interviewed with Rick Brault, Chip
4 Holm and David Bourgeois, Jr.

5 Q. And what position did they tell you
6 you were interviewing for?

7 A. Product engineer.

8 Q. And were all four of those people in
9 agreement that it was a products engineer
10 position that you were applying for, or did
11 anyone deviate from that?

12 A. Well, actually, I was never -- come
13 to recall, they never actually said "product
14 engineer" during the interviews. That's what
15 Ilda Thibodeau told me the day that I was hired.

16 MS. ELLIOTT: Okay. I don't have any
17 further questions.

18 MR. SIGEL: I just have a couple.

19 EXAMINATION

20 BY MR. SIGEL:

21 Q. Mr. Duperry, is it fair to say that
22 the drafting project you took over from Mr.
23 Alberghini did not require any kind of
24 mechanical engineering degree or expertise?

ADDENDUM

TO

APPENDIX 17

Volume I
Pages: 1-80
Exhibits: None

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

LOUIS P. ALBERGHINI,

Complainant

vs.

No. 01SEM10657

SIMONDS INDUSTRIES, INC.,

Respondent

* * * * *

DEPOSITION of JEREMY P. DEXTER called as a witness by the Complainant, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Susan E. Lepore, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, taken at the Elliott Law Office, 307 Central Street, Gardner, Massachusetts, on Friday, January 3, 2003, commencing at 11:35 a.m.

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1 A. Welded edge metal band.

2 Q. And the "Normac programmer," what was
3 that project?

4 A. It's not just a project, it's -- it's
5 throughout the whole year. The Normac grinder
6 is what we used to -- it's one of the devices we
7 use to put the teeth in the band, and through
8 CNC controlling you control the diamond dresser
9 that will put the form into a silicon wheel,
10 which then pours it into the second band so you
11 can put the teeth into it. So through the
12 computer, I can design the tooth form that's
13 going to be put into the band.

14 Q. And did that project involve solely
15 computer work, or did it involve something else?

16 A. It would involve me writing the
17 program on the computer, and then also working
18 with the operator and making sure the form was
19 correct.

20 Q. When you say "working with the
21 operator," what would you do with the operator?

22 A. I'd have him run it, I would bring it
23 to the comparative, I'd check to make sure that
24 it matched to the tooth form that I had

1 Q. With regard to the projects you've
2 listed on your Self-assessment and the other one
3 we mentioned, the Red Streak line, which you
4 told me that the foreman worked on it with you,
5 did any other persons work with you on these
6 projects? Would you like to look at the list?

7 A. Sure.

8 (Witness perusing document.)

9 A. On the Roll Bead unit, I did that.
10 Normac programmer, that was me. Product
11 engineer, the product engineer was me. You're
12 referring to the Red Streak improvements as
13 being the team effort. That project engineer is
14 just me. Laser programmer, just me, and turbo
15 tooth, this was a combination of me and
16 marketing. In terms of engineering skill, me,
17 but they had to have some input into that.

18 Q. Now, did you take over any projects,
19 at any point in 2001, that had previously been
20 worked on by Mr. Alberghini?

21 A. Yes.

22 Q. Okay. And what were those projects?

23 A. There was only one, and that was the
24 soft straightening project.

1 Q. And what type of a project was that?

2 A. Lou was working on getting a new soft
3 straightening and roll burr cell put together.
4 We had two already, and he was making the third.

5 Q. Okay. And what would one do to make
6 that?

7 A. Because this system had already been
8 made, it would require finding the drawings from
9 previous designs, contacting machine shops,
10 having a -- going through the quoting process,
11 writing up the EP, getting approval, and then
12 monitoring the build, and then having the system
13 put together when it came inside the shop.

14 Q. Okay. And putting the system
15 together when it came in the shop, would that be
16 something that would be done hands on or --

17 A. No.

18 Q. -- someone else would do it?

19 A. As a supervisor, only. The Union
20 would take care of putting it together.

21 Q. Okay. And did you do those things,
22 then, finish --

23 A. Yes.

24 Q. -- this project? Were there any

1 other projects that you took over from Mr.
2 Alberghini?

3 A. No.

4 Q. Now, going back to the projects that
5 you put on your Self-assessment, and the
6 additional ones mentioned by your supervisor in
7 his assessment, what types of skills did those
8 projects require you to use?

9 A. They'd require organizational,
10 drafting skills, machine design skills,
11 metallurgical skills, math and physics.

12 Q. Okay. And were those skills
13 mechanical engineering in nature, or some other
14 type of engineering?

15 A. Mechanical.

16 Q. 100-percent mechanical, or did they
17 involve other aspects of engineering?

18 A. I'm not sure if I can answer that.
19 It really depends on how you define mechanical
20 engineering.

21 Q. Well, how do you define mechanical
22 engineering?

23 A. Well, the reason why I said that was
24 I'm not sure if you're including any -- if

1 MR. SIGEL: Objection.

2 MS. ELLIOTT: On what basis?

3 MR. SIGEL: "Computer engineering?"

4 MS. ELLIOTT: Yes.

5 A. Computer engineering, no.

6 Q. No?

7 A. No.

8 Q. Okay. The computer part that you did
9 would not be something that a computer engineer
10 would do, or could do?

11 A. Can you rephrase that?

12 Q. You mentioned some programming that
13 you did?

14 A. Yes.

15 Q. Okay. Would that necessarily involve
16 having to have experience in -- as a computer
17 engineer, to do that?

18 A. No.

19 Q. The project that you acquired from
20 Mr. Alberghini, was that a mechanical
21 engineering project?

22 A. It would be considered a
23 manufacturing engineering project, but because
24 of the fact that the parts were already designed

1 and it was just a matter of getting it rebuilt,
2 I don't know how you can really classify that as
3 engineering work. It's more of a supervising
4 work.

5 Q. Okay. So in that particular
6 situation, that project was mostly supervisory?

7 A. Yes.

8 Q. Now, did you know about any projects
9 that Mr. Alberghini worked on? Were you aware
10 of those when the two of you were working there
11 together at Simonds?

12 A. The only project that I knew Lou was
13 working on was the sheets that he was doing up
14 for the carbide line, where he was finding out
15 what the product looked like in between each
16 operation, and I worked with him shortly on
17 that.

18 Q. Okay. Did you work together on any
19 other projects?

20 A. No.

21 Q. Now, on your second performance
22 review, I want to turn to the Goals sheet of it.
23 So I see these goals were -- is it your
24 understanding that these goals were to be

1 while you were employed at Simonds?

2 A. Training in what?

3 Q. Anything at all.

4 A. I was trained as an ISO auditor.

5 Q. A what?

6 A. An ISO internal auditor.

7 Q. And was that an outside-of-the-
8 company course that you attended, or was that
9 something held in-house?

10 A. It was outside.

11 Q. It was outside. Where did you go for
12 that?

13 A. Marlboro.

14 Q. Other than that training course, did
15 you have any other training courses in or
16 outside of Simonds?

17 A. I was trained in Lean Manufacturing
18 Kaizen down at Wire Mold in Connecticut.

19 Q. Okay. When did you attend that
20 training?

21 A. That would be in May of 2001.

22 Q. And was that a one-time course, or
23 did you go again for additional courses in that?

24 A. It was a one-week long course.

1 Q. Had you had any training in that lean
2 manufacturing prior to May 2001?

3 A. Yes.

4 Q. Okay. When was that?

5 A. I do not remember.

6 Q. After you were hired, though, right?

7 A. After I was hired, but before I went
8 to Wire Mold.

9 Q. Okay. Any other training courses
10 that you attended during your employment at
11 Simonds, up to today?

12 A. I'm thinking.

13 (Brief pause.)

14 A. No.

15 Q. Okay. And back to number one, the
16 one that -- on the job description that says,
17 "Stays current with state of the art technology
18 applicable to manufacturing," is that something
19 that is generic to mechanical engineering?

20 A. Can you rephrase that?

21 Q. Is that something that is generic to
22 mechanical engineering, or is that something
23 that would be applicable to any engineering
24 process?

1 Q. Once a month?

2 A. Maybe. It depends on the task at
3 hand.

4 Q. Okay. Other than those that we've
5 specifically talked about, I think you testified
6 earlier that they were all things that you did?

7 A. Yes.

8 Q. Okay. I'm going to show you what
9 states that it's the "Process Metallurgist/
10 Manufacturing Engineer Job Description." Is
11 that something that you've seen before?

12 (Witness perusing document.)

13 A. Yes, I've seen this.

14 Q. Okay. And when did you see that?

15 A. Yesterday.

16 Q. Okay. Did you ever see it before
17 yesterday?

18 A. I don't remember.

19 Q. Okay. Did Mr. Niemi ever give you a
20 job description or --

21 A. I don't --

22 Q. -- Mr. Brault?

23 A. I don't remember.

24 Q. It's not something that stands out in

1 your mind, that they said: Here's your job
2 duties?

3 A. I don't remember.

4 Q. How did you find out what your job
5 duties were?

6 A. Verbally, from my superior.

7 Q. Okay. You don't recall, at any time,
8 whether they ever gave you any written document
9 like this to --

10 A. I don't remember if they gave me a
11 document.

12 Q. And if they did, you never referred
13 to it again, during your employment?

14 MR. SIGEL: Objection.

15 A. I don't remember.

16 Q. Now, what, on this job description
17 for the manufacturing engineer process
18 metallurgist, what on that particular job
19 description involves mechanical engineering type
20 duties?

21 (Witness perusing document.)

22 A. Well, number one, "Develop and refine
23 thermal processing techniques," along with
24 anything that's heat related, you also need to